

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Final Office Action dated October 16, 2008 and the Notice of Abandonment of May 11, 2009. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-23 are pending in the Application. Claims 1, 12, 16, 17, 19-23 are independent claims. By means of the present amendment, the claims are amended including for better conformance to U.S. practice, such as amending dependent claims to begin with "The" as opposed to "A", as well as correcting certain informalities noted upon review of the claims. By these amendments, the claims are not amended to address issues of patentability and Applicants respectfully reserve all rights under the Doctrine of Equivalents. Applicants furthermore reserve the right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or continuing applications.

Applicants thank the Examiner for indicating that claims 16, 20, and 22 are allowable if rewritten to include all the limitations of claim 7. (See, Final Office Action, page 9).

Applicants thank the Examiner for consideration of the IDS submitted on May 23, 2008.

In the Office Action, claims 1-4, 12-14, 17, 19, 21 and 23 are rejected under 35 U.S.C. §102(e) over U.S. Patent Publication No. 2003/0086566 to Gooch ("Gooch"). Claims 16, 20, and 22 are rejected under 35 U.S.C. §102(e) over International Patent Publication No. WO 00/74053 to C-Dilla ("C-Dilla"). Claims 5-11, 15 and 18 are rejected under 35 U.S.C. §103(e) over Gooch in view of C-Dilla. The rejection of claims 1-23 is traversed. It is respectfully submitted that claims 1-23 are allowable over Gooch and C-Dilla for at least the following reasons.

Gooch is directed to copy control and copyright protection by restricting the reading or copying of digital data. (See, Gooch, paragraph [0001]). There is nothing in Gooch that discloses or suggests mastering a non-standard table of contents on a record carrier to indicate that the record carrier is not a copy.

The Office Action references paragraphs [0006], [0010], [0018], [0034]-[0035] and [0060] in rejecting claims 1 and 23. The position taken in the Office Action is respectfully refuted.

In paragraph [0006], Gooch describes generating an intermediate set of modified data when data is copied. In paragraph [0010], Gooch describes copying data and "modifying said copy operation in accordance with said data copied". In paragraph [0018], Gooch describes manipulating the table of contents by deliberately writing the starting address of the lead-out incorrectly. In paragraphs [0034]-[0035], Gooch describes a data carrier, which has a content file that comprises digital audio data which has been modified so that it is no longer compliant. It must be pointed out that in this portion of Gooch, the content is modified and not the table of content. Finally, in paragraph [0060], Gooch describes sets of data, the first set is modified data 11 and a second set is data 12 for reversing those modifications.

However, none of the data modifying operations of Gooch pointed to in the Office Action teach, teach, disclose or suggest mastering a non-standard table of contents on a record carrier to

indicate that the record carrier is not a copy.

As described in the present application on the page 1, paragraph 4, conventional replay devices are capable to correct the non-standard table of contents and rewrite them in a standard way. Therefore when a record carrier having the non-standard table of contents is copied by these conventional replay devices, the table of contents of the copy is made standard and thus distinguishable from the original.

Thus, contrary to Gooch, no modifying, manipulating, or keeping of sets of data for reversing modifications are required for detecting copies of record carriers by the present system as, for example, recited in claim 1. Claim 1 substantially recites using a non-standard table of contents in a record carrier for indicating whether the record carrier is a copy.

With regard to C-Dilla, as explained in the second paragraph of the specification of the present application, C-Dilla is directed to rendering a CD unplayable by a data reader. It is respectfully submitted that C-Dilla does not teach, disclose, or suggest presence or absence of additional synchronization symbols implying that the record carrier is a copy.

It is respectfully submitted that the method of claim 1 is not anticipated or made obvious by the teachings of Gooch and C-Dilla. For example, Gooch and C-Dilla does not teach, disclose or suggest, a method that amongst other patentable elements, comprises (illustrative emphasis added) "mastering a non-standard table of contents on an original record carrier, a standard table of contents indicating that the corresponding at least one record carrier is a copy" as recited in amended claim 1 and as similarly recited in each of claims 12, 17, 19, 21, and 23.

It is further respectfully submitted that the method of claim 16 is not anticipated or made obvious by the teachings of C-Dilla. For example, C-Dilla does not teach, disclose or suggest, a method that amongst other patentable elements, comprises (illustrative emphasis added) "absence of the additional synchronization symbols indicating that the record carrier is a copy and presence of the additional synchronization symbols indicating that the record carrier is an original" as recited in amended claim 16 and as similarly recited in each of claims 20, and 22.

A combination of Gooch and C-Dilla does not cure the deficiencies discussed above with reference to the independent claims.

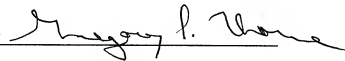
Based on the foregoing, the Applicants respectfully submit that independent claims 1, 12, 16, 17 and 19-23 are patentable over Gooch and C-Dilla and notice to this effect is earnestly solicited.

Claims 2-11, 13-15, and 18 respectively depend from one of claims 1 and 12 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place
this application in condition for immediate allowance and notice to
this effect is earnestly solicited.

Respectfully submitted,

By 

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